

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6090 of 2015

**CC 1802/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVUR
CRIME NO. 1544/2014 OF CHATHANNOOR POLICE STATION, KOLLAM**

PETITIONER(S)/3RD ACCUSED:

**AKHIL KUMAR @ AKHIL, AGED 24 YEARS,
S/O.UDAYAKUMAR,
RESIDING AT RAMA BHAVAN, KARAMKODU,
KOLLAM DISTRICT.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHATHANNOOR POLICE STATION,
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I- THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1544/2014 OF CHATHANOR POLICE STATION IN KOLLAM DISTRICT PENDING AS C.C.NO.1802/2015(C.C.NO.262/2015) ON THE FILE OF THE JUDICIAL FIRST CLASS(TEMP) MAGISTRATE COURT, SOUTH PARAVOOR, KOLLAM DISTRICT.

ANNEXURE II- TRUE COPY OF THE PETITION FILED BY CW1 & CW2 IN C.C.262/2015.

ANNEXURE III- THE CERTIFIED COPY OF THE ORDER IN C.C.NO.1802/2015 OF HONORABLE JUDICIAL FIRST CLASS MAGISTRATE COURT(TEMP), SOUTH PARAVOOR, KOLLAM DISTRICT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
Crl.M.C. No.6090 of 2015
.....

Dated this the 15th day of September, 2015

ORDER

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Petitioner is the 3<sup>rd</sup> accused in CC.262/2015 of the Judicial First Class Magistrate's Court, Paravoor, Kollam district, for the offences punishable under Sections 341 and 323 read with Section 34 IPC. It seems that the matter has been settled between A1, A2, A4 and A5 and CWs 1 and 2 and a compromise was filed before the court below. Consequently, A1, A2, A4 and A5 were acquitted. According to the petitioner, the offence against him was also compounded by CW1 and CW2.

2. There is absolutely nothing to show that the matter as far as the petitioner is concerned has been compounded between him and CWs 1 and 2. The composition of the offences between A1, A2, A4 and A5 on the one part and CWs 1 and 2 on the other part cannot be

accepted as a composition of the offence against this petitioner by CWs 1 and 2. If the matter has been compounded, the petitioner and CWs 1 and 2 can approach the court below and get an order which has the force of an acquittal under Section 320(8) Cr.P.C.

With the said observations, this CrI.M.C. is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/15/09

*// True Copy //*

*PA to Judge*